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8 **UNITED STATES BANKRUPTCY COURT**
9 **DISTRICT OF NEW JERSEY**

10 IN RE:

Case No.: 23-11272-JKS

11 JUAN CARLOS JIMENEZ,
12 DEBTOR.

CERTIFICATION IN RESPONSE TO
TRUSTEE'S OBJECTION TO MOTION
TO SELL

13
14 Juan Carlos Jimenez respectfully says as follows:

- 15 1. I am the debtor in the above bankruptcy case.
- 16 2. I am filing this certification in response to the Trustee's objection to the motion to
17 sell my real estate in Utica, New York.
- 18 3. I have owned this real estate for approximately 20 years.
- 19 4. During that period of time this property was sometimes a residence for me and
20 sometimes this property served as a rental property.
- 21 5. I obtained a small home equity loan on the property from Bank of America.
- 22 6. I had financial problems and fell behind on my payments.

1 7. Despite the small balance on the loan, Bank of America and/or the subsequent
2 creditor refused to grant me a loan modification and eventually the property was
3 scheduled for Sheriff sale.
4

5 8. I currently live in Jersey City and have no desire to live in the Utica property
6 again.
7

8 9. In addition, during the pandemic and since it has subsided it has been very
9 difficult to find tenants that will pay rent consistently.

10 10. It is also difficult to manage the property from afar.

11 11. Those are the reasons I chose to sell my property because before I potentially lose
12 it at foreclosure, I prefer to pay off the lender and benefit from the remaining equity.
13

14 12. I have no relationship with the current buyer, either through business or familial
15 relation.
16

17 13. I marketed this property from the middle of 2022 to around March 2023 without
18 success.

19 14. The listing price was initially \$200,000.00 and then I reduced it to \$169,000.00
20 and there were still no takers.
21

22 15. The housing market in Utica has been affected by the increase in mortgage
23 interest rates and the current buyer Nader Kassim has proposed the highest price that I
24 will presently get.
25
26
27
28

1 16. I understand that this deal will require me collect loan payments from the buyer
2 but if the payments are not made there will be a mortgage on the property and the loan
3 documents are being drafted as a commercial loan.
4

5 17. The alternative would be to hope that I receive an offer that is at least close to the
6 purchase price in the current deal.
7

8 18. The buyer's attorney told my attorney and I that he was shocked at the purchase
9 price because nothing is currently selling in Utica at a price this high but if his client
10 wanted this deal he would not advise otherwise.
11

12 19. In sum, I believe this is my best path forward to reorganize my finances and avoid
13 losing the Utica property to a foreclosure/Sheriff sale.
14

15 20. I respectfully request that the Court confirm the motion to sell 10 Grant Street,
16 Utica, New York over the objections of the Chapter 13 Trustee.
17

18 I certify the facts set forth in this Certification are true. I understand if this certification
19 contains willfully false statements, I am subject to punishment.
20

21 AUGUST 8, 2023

/s/ JUAN CARLOS JIMENEZ

Attorney Name